

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
DIVISION OF REHABILITATION SERVICES**

**CHAPTER 1240-8-3  
ADMINISTRATION**

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**1240-8-3-.01 STATE AND LOCAL ORGANIZATION AND ADMINISTRATION.**

- (1) It is the responsibility of the Division of Rehabilitation Services to provide services necessary for the rehabilitation and habilitation of disabled individuals of Tennessee.
- (2) The authority and responsibility for administration of the program of services affecting eligibility for the nature and scope of available vocational rehabilitation services, and the provision of these services is vested in the head of the designated State Division of Rehabilitation Services. This responsibility may not be delegated to any other agency or individual.
- (3) Supervisors are assigned to supervise the work of rehabilitation counselors, case managers, Tennessee Business Enterprise counselors and Rehabilitation teachers.
- (4) Any person who believes he or she may be eligible for vocational rehabilitation services may contact any Division office or employee for assistance. Also, individuals may seek assistance from the Client Assistance Program (CAP) established under 34 CFR § 370.
- (5) Counselors have the assigned responsibility to make the initial eligibility determination for vocational rehabilitation services and to provide such services in accordance with policies and procedures of the Division of Rehabilitation Services.
- (6) Affirmative action for equal employment opportunity.
  - (a) Executive Order No. 8, an Order pertaining to Equal Employment Opportunity, is provided to all employees of the Combined Agency. The Department of Human Services fully supports the policy of achieving equal employment opportunity for persons of every race, color, sex, religion, creed, or physical or mental impairment;
  - (b) Services of Tennessee's Division of Rehabilitation Services within the Department of Human Services are provided on a non-discriminatory basis without regard to disability, race, color, sex, religion, creed, or national origin in compliance with Title VI of the Civil Rights Act of 1964 and Title V of the Vocational Rehabilitation Act of 1973, as amended.

**Authority:** T.C.A. §§4-5-202, 71-1-105, 49-11-601 et seq., 34 CFR Part 361, and Executive Order No. 43.  
**Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-3-.02 ECONOMIC NEEDS TESTS.**

- (1) The Agency will consider the economic need of each individual in determining the extent of their participation in the cost of specific services. The income and resources of the family will be reviewed

(Rule 1240-8-3-.02, continued)

and assessed each twelve (12) months. Those individuals whose resources exceed the economic needs test must apply the excess funds toward the cost of services in which the needs test is applied.

- (2) The Agency does not consider the client's economic need when considering:
  - (a) evaluation or assessment including diagnostic and related services for determining eligibility and priority for services;
  - (b) counseling, guidance and referral services;
  - (c) adjustment, tutorial, orientation and mobility, and training tuition;
  - (d) reader, interpreter and attendant services;
  - (e) placement services including required union or organizational dues.
- (3) The Agency applies an economic needs test for the following services:
  - (a) physical and mental restoration services;
  - (b) maintenance cost and/or transportation cost except when determining eligibility for vocational rehabilitation services, or nature and scope of services;
  - (c) tools and equipment;
  - (d) rehabilitation engineering services, except as necessary to determine eligibility for vocational rehabilitation services or the nature and scope of services;
  - (e) initial stock, including livestock, and supplies for small business or vending stands and shelters, books and supplies, wardrobes, incidental expenses, and medical care for acute conditions;
  - (f) all other goods and services.
- (4) Exception to the Economic Needs Test.
  - (a) An exception to the economic needs test may be made if the client's participation in the cost of rehabilitation services will result in an unusual or undue hardship on the client.
  - (b) An unusual or undue hardship is defined as the inability of the client to meet their basic living cost, i.e., shelter, food, clothing, etc.
  - (c) Excessive financial obligations incurred as a result of medical or disability related expenses shall be taken into consideration when determining whether or not an unusual or undue hardship exists and expenses related to any natural or other disaster due to no fault of the client will also be considered.
  - (d) Financial obligation due to a standard of living beyond the client's income or due to consumer debt will not be considered when determining an unusual or undue hardship unless the individual has filed for bankruptcy and is under bankruptcy court jurisdiction.

**Authority:** T.C.A. §§4-5-202, 71-1-105, 49-11-601 et seq., and 34 CFR §361.54. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**1240-8-3-.03 STAFF DEVELOPMENT AND TRAINING.**

- (1) The purpose of staff development, for all staff positions, is to ensure the availability of qualified rehabilitation personnel. The Agency will, to the degree possible:
  - (a) provide systematic training programs to improve staff effectiveness and qualifications;
  - (b) orient new staff; and
  - (c) provide appropriate training to all classes of personnel consistent with their needs.
- (2) An annual training plan is developed by the Agency's Program Manager for Human Resource Development with consultation from:
  - (a) Central Office staff;
  - (b) the State Rehabilitation Council;
  - (c) regional supervisory staff; and
  - (d) individual employees. The most important types of training are in-service and staff development training programs for which each employee is responsible for his or her own career growth.

**Authority:** T.C.A. §§4-5-202, 71-1-105, 49-11-601 et seq., and 34 CFR §§361.16 and 361.18. **Administrative History.** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.

**RULE 1240-8-3-.04 MEDICAL AND PSYCHOLOGICAL CONSULTATION IN THE VOCATIONAL REHABILITATION PROCESS.**

It is the policy of the State Agency to secure a sufficient number of physicians and psychologists to provide adequate consultation to the staff regarding the medical and psychological aspects of rehabilitation. Consultation is available on a regularly scheduled basis to both the State Central Office and Regional Office staff. The State Agency will also make available personnel able to interpret and communicate with applicants to be served by speaking in their native languages and communicating with hearing impaired individuals through non-verbal communication devices.

**Authority:** T.C.A. §§4-5-202, 71-1-105, 49-11-601 et seq., and 34 CFR Part 361. **Administrative History:** Original rule filed September 30, 1985; effective October 30, 1985. Amendment filed July 12, 2002; effective September 25, 2002.